

ORIGINAL

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UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII (ea)
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UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	CR. NO. CR 21-00008 HG
)	
Plaintiff,)	INDICTMENT
)	
vs.)	[21 U.S.C. §§ 846, 841(a)(1) and
)	841(b)(1)(A); 18 U.S.C. §§ 922(g),
JAVIER CHAVEZ, (01))	924(a)(2) and 924(c)]
and)	
PING HONG LEE, (02))	
)	
Defendants.)	
)	

INDICTMENT

The Grand Jury charges:

Count 1

**Conspiracy to Distribute and Possess With the Intent to Distribute Cocaine
(21 U.S.C. § 846)**

From a precise date unknown, but by at least on or about December 18, 2020, and continuing to on or about January 13, 2021, both dates being approximate and inclusive, within the District of Hawaii and elsewhere, JAVIER CHAVEZ and PING HONG LEE, the defendants, did knowingly and intentionally conspire with each other and with others known and unknown, to distribute and possess with intent to distribute five kilograms or more of a mixture or substance containing a detectable amount of cocaine, its salts, optical and geometric isomers, and salts of its isomers, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A)(ii)(II).

All in violation of Title 21, United States Code, Section 846.

Count 2

**Possession with Intent to Distribute Cocaine
(21 U.S.C. §§ 841(a)(1) and (b)(1)(A)(ii)(II))**

On or about January 13, 2021, within the District of Hawaii, JAVIER CHAVEZ, the defendant, did knowingly and intentionally possess with intent to distribute five kilograms or more of a mixture or substance containing a detectable amount of cocaine, its salts, optical and geometric isomers, and salts of its isomers, a Schedule II controlled substance.

All in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(A)(ii)(II).

Count 3

Possession with Intent to Distribute Cocaine
(21 U.S.C. §§ 841(a)(1) and (b)(1)(A)(ii)(II))

On or about January 13, 2021, within the District of Hawaii, PING HONG LEE, the defendant, did knowingly and intentionally possess with intent to distribute five kilograms or more of a mixture or substance containing a detectable amount of cocaine, its salts, optical and geometric isomers, and salts of its isomers, a Schedule II controlled substance.

All in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(A)(ii)(II).

Count 4

Possession of a Firearm in Furtherance of a Drug Trafficking Crime
(18 U.S.C. § 924(c)(1)(A))

On or about January 13, 2021, within the District of Hawaii, PING HONG LEE, the defendant, did knowingly possess a firearm, that is, a Charter Arms .38 caliber pistol, serial number 41106, in furtherance of a drug trafficking crime for which he may be prosecuted in a court of the United States, that is, Possession with Intent to Distribute Cocaine, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(A)(ii)(II) – Count 3 of Indictment.

All in violation of Title 18, United States Code, Section 924(c)(1)(A).

Count 5
Felon in Possession of a Firearm and Ammunition
(18 U.S.C. §§ 922(g)(1) and 924(a)(2))

On or about January 13, 2021, within the District of Hawaii, PING HONG LEE, the defendant, having been previously convicted of a crime punishable by imprisonment for a term exceeding one year, and knowing that he had been convicted of such a crime, did knowingly possess a firearm and ammunition, that is a Charter Arms .38 caliber pistol, serial number 41106, loaded with five rounds of .38 caliber ammunition, with said firearm and ammunition having been previously shipped and transported in interstate and foreign commerce.

All in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

Serious Drug Felony

Before PING HONG LEE, the defendant, committed the offenses charged in Counts 1 and 3, the defendant had a final conviction for a serious drug felony, that is a conviction under Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(C), and 846 for which the defendant served a term of imprisonment of more than 12 months and for which the defendant's release from any term of imprisonment was within 15 years of the commencement of the instant offense. As a result of that conviction, the defendant is subject to increased punishment under Title 21, United States Code, Section 841(b).

First Forfeiture Notice

1. The allegations set forth in Counts 1 through 3 of this Indictment are hereby re-alleged and incorporated by reference for the purpose of noticing forfeiture pursuant to Title 21, United States Code, Section 853.

2. The United States hereby gives notice that, pursuant to Title 21, United States Code, Section 853, upon conviction of an offense in violation of Title 21, United States Code, Sections 841(a)(1) and 846, set forth in Counts 1 through 3 of this Indictment, JAVIER CHAVEZ and PING HONG LEE, the defendants, shall forfeit to the United States of America any and all property constituting, or derived from, any proceeds obtained, directly or indirectly, as the result of such offenses and any and all property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, the offense, including but not limited to the following:

- a. a White 2018 Porsche Macan GTS bearing California license plate 8EBJ176 and VIN number WP1AG2A51JLB63924;
- b. a quantity of United States currency seized from within a White 2018 Porsche Macan GTS bearing California license plate 8EBJ176 and VIN number WP1AG2A51JLB63924;

c. a Charter Arms .38 caliber pistol, serial number 41106 seized from within a White 2018 Porsche Macan GTS bearing California license plate 8EBJ176 and VIN number WP1AG2A51JLB63924; and

d. five rounds of .38 caliber ammunition seized from within a White 2018 Porsche Macan GTS bearing California license plate 8EBJ176 and VIN number WP1AG2A51JLB63924.

3. If any of the property described in paragraph 2 above, as a result of any act or omission of the defendants:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty;

the United States of America shall be entitled to forfeiture of substitute property up to the value of the property described above in paragraph 2, pursuant to Title 21, United States Code, Section 853(p).

Second Forfeiture Notice

1. The allegations contained in Counts 4 and 5 of this Indictment are incorporated by reference as though set forth in full herein for the purpose of

noticing forfeiture pursuant to Title 18, United States Code, Section 924(d)(1), and Title 28, United States Code, Section 2461(c).

2. The United States hereby gives notice that, upon conviction of the offenses in violation of Title 18, United States Code, Section 922(g) set forth in Counts 4 and 5 of this Indictment, PING HONG LEE, the defendant, shall forfeit to the United States any firearms and ammunition involved in or used in the commission of those offenses, including but not limited to the following:

- a. Charter Arms .38 caliber pistol, serial number 41106; and
- b. five rounds of .38 caliber ammunition,

seized from within a White 2018 Porsche Macan GTS bearing California license plate 8EBJ176 and VIN number WP1AG2A51JLB63924 on January 13, 2021.

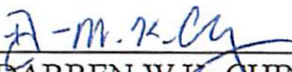
DATED: January 20, 2021, at Honolulu, Hawaii.

A TRUE BILL

/s/ Foreperson
FOREPERSON, GRAND JURY



KENJI M. PRICE
United States Attorney



DARREN W.K. CHING
Assistant U.S. Attorney

United States v. Javier Chavez, et al.
Indictment
Cr. No. CR 21-00008 HG